

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOHN L. WILLIAMS-EL,

Case No. 3:15-cv-00422-RCJ-WGC

Plaintiff,

ORDER

v.

JAMES GREG COX, *et al.*,

Defendants.

I. DISCUSSION

Plaintiff, a pro se prisoner, previously filed an application to proceed *in forma pauperis* and submitted a first amended civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1, 16).

Plaintiff now files a motion requesting that the court dismiss this action with prejudice for failure to state a claim. (ECF No. 21). Pursuant to Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff’s motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. Therefore, the Court dismisses this action with prejudice for failure to state a claim.

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II. CONCLUSION

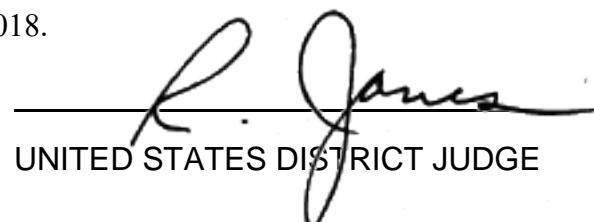
2 For the foregoing reasons, IT IS ORDERED that the motion for voluntary dismissal
3 (ECF No. 21) is granted.

4 IT IS FURTHER ORDERED that this action is dismissed in its entirety with
5 prejudice for failure to state a claim.

6 IT IS FURTHER ORDERED that the application to proceed *in forma pauperis* (ECF
7 No. 1) is denied as moot.

8 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment
9 accordingly.

10 DATED: This 6th day of November, 2018.

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13 UNITED STATES DISTRICT JUDGE
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